REMARKS/ARGUMENTS

The drawings have been amended to correct minor errors noted in the Office Action and otherwise. These corrections are of a clerical nature and do not add "new matter".

Claims 1, 2, 3, 17, 37 and 41 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these modifications may be found in the Specification, on page 21, lines 4-10. The text of claims 4, 6-8, 39, 40 and 42 is unchanged, but their meaning is changed because they depend from amended claims.

Claims 5, 9 and 18-36 have been cancelled, without prejudice.

New claims 43-48 also particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found in the Specification, on page 22, lines 3-20.

The First 35 U.S.C. § 103 Rejection

Claims 1, 5, 13, 16, 37, 38 and 41 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Klimenko[1], among which claims 1, 16, 37 and 41 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference

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[1] U.S. Patent 5,974,547

or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.[2]

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in <u>Klimenko</u>, except that <u>Klimenko</u> does not teach that the information used to locate the file is a port address and file type.[3] The Office Action further contends that <u>Klimenko</u> discloses that client hard disk images are stored in client image directories unique to a corresponding PC and that it would be obvious to one having ordinary skill in the art at the time of the invention to use the MAC address and file type to identify the file to be sent to the NIC. The Applicants respectfully disagree for the reasons set forth below.

The office action states that in <u>Klimenko</u>, "[t]he client computer will issue a trivial file transfer protocol (TFTP) request to server (50) by way of the NIC. The TFTP server locates and opens this file based on the information provided in the TFTP request, then downloads this boot file, LANGHD.IMG, to the client computer." Office Action, Page 3. This is misleading, as it fails to mention that the information provided in the TFTP request by the client computer (the file location) is only known to the client computer because it was received from the server in a previous communication (a packet sent from the server including, among other things, the complete path on the server to the boot file). Thus, the client computer is merely parroting the file location it received from the server earlier. Therefore, it would not have been obvious to one of ordinary skill in the art to "use the MAC address to first locate the corresponding directory, and the file type, image, to determine which file in the directory to send" because in <u>Klimenko</u>

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[2] M.P.E.P § 2143.
[3] Office Action ¶4.

the file is simply downloaded from the specified location, without regard to file type. In fact, attempting to modify Klimenko to utilize the file type in determining which file to send would actually result in an inoperable invention - there is no indication in Klimenko that the client computer has any information regarding the file type to request. Thus, a modified version of Klimenko would require the client computer to send a file type it is not aware of to the server, which is impossible. Klimenko is simply not designed in a way that would allow the client to make the determination of the file type to be downloaded.

Furthermore, Claim 1 of the present application as amended contains the limitation "sending a size and name of the file to the router". Neither Klimenko nor any of the other cited prior art either individually or in combination teach or suggest this limitation. The transmission of size information is not described in any of the cited prior art. Claim 16 as amended contains a similar limitation.

Claims 37 and 41 as amended contain the limitations "receiving a file size and name for the file" and "setting up a buffer of a size at least as large as said file size". Neither of these limitations are taught or suggested in any of the cited prior art. Again, there is no disclosure of the transmission of a file size in any prior art. Additionally, there is no description of setting up a buffer size in any of the prior art.

As far as dependent claim 13, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

The Second 35 U.S.C. § 103 Rejection

Claims 2-4, 6-12, 14, 15, 17, 39, 40 and 42 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over <u>Klimenko</u>, further in view of <u>K. R. Sollings</u>[4] (hereinafter RFC 783). This rejection is respectfully traversed.

The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims 2-4, 6-12, 14, 15, 17, 39, 40, and 42 must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.
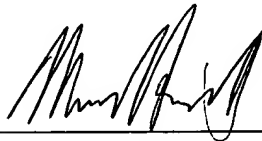
Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

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[4] "The TFTP Protocol (Revision 2)"

If, in the opinion of the Examiner, an interview would expedite the prosecution of this

application, the Examiner is invited to call the undersigned attorney at the number indicated

below.

Respectfully submitted,
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Dated: 9/12/03

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